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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,484	10/27/2003	Kurt R. Murray	PGARD-P004-01 *	4273

27268 7590 01/16/2007
BAKER & DANIELS LLP
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INDIANAPOLIS, IN 46204

EXAMINER

PUROL, DAVID M

ART UNIT	PAPER NUMBER
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3634

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/694,484

Applicant(s)

MURRAY ET AL.

Examiner

David M. Purol

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28,30 and 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,7-18,22,24-28,30 and 31 is/are rejected.
- 7) ☒ Claim(s) 5,6,19-21,23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4,7-11,18,22,24 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Buchanan. Buchanan discloses a window barrier comprising a frame 8 which includes upper and lower members, a barrier element 9, a securing member 11 operably coupled with door trim 5,6,7 and positioned in spaced relation to the window channel.

The applicants state that Buchanan fails to provide any disclosure of either an upper frame member or a securing member positioned intermediate the door frame and the door much less preventing movement of the frame by such positioning. This is not convincing for the frame 8 of Buchanan has an upper member (see figures 1 and 2) with securing members 11 disposed thereon which has the explicit purpose of maintaining the frame in a predetermined position.

2. Claims 25-27 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Edwards. Edwards discloses a window barrier including a clip 6 having a first arm 9 welded to the upper frame member. The weld fully responds to the claimed fastener.

The applicants state that Edwards fails to disclose a clip including first and second arms extending upwardly from a connector. This is not convincing for the clip 6 of Edwards has arm portions 7,8,9 extending upwardly.

3. Claims 12-17,28,30,31 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Moss et al. Moss et al disclose a window barrier comprising upper and lower frame members 14, barrier elements 16, first and second securing members 18,22.

The applicant states that Moss et al do not disclose a panel rest portion which extends inwardly and downwardly from a connecting portion and is configured to rest against the interior surface of a vehicle door. This argument is more specific than the claims and hence not directed thereto inasmuch as the claims do not positively recite the interior surface of the vehicle door as an element of the invention.


4. Claims 5,6,19,20,21,23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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6. Any inquiry concerning this communication should be directed to David M. Purol
at telephone number (571) 272-6833.


David M Purol
Primary Examiner
Art Unit 3634

DMP
(571) 272-6833
July 17, 2006